

FILED ENTERED
LODGED RECEIVED

Chief Magistrate Judge Mary Alice Theiler

JUN 10 2014

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

ABUZAR KARIM ALI,

Defendant.

NO. ~~CR13-~~

MJ14-232

COMPLAINT for VIOLATION
U.S.C. Title 8 Section 1326(a)
(Illegal Reentry After Deportation)

(Felony)

BEFORE, Mary Alice Theiler, Chief United States Magistrate Judge,
United States Courthouse, 700 Stewart Street, Seattle, Washington.

COUNT I

On or about May 16, 2014, near Lynden, within the Western District of
Washington, ABUZAR KARIM ALI, an alien, a native and citizen of Pakistan,
who was previously arrested and deported from the United States on
June 26, 2002, at Houston, Texas, was found, after knowingly and voluntarily
reentering the United States without the express consent of the Secretary of the
Department of Homeland Security.

All in violation of Title 8, United States Code, Section 1326(a).

COMPLAINT/Ali - 1

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

1 The undersigned complainant being duly sworn states:

2 1. I, Christopher E. Loperfido, am a Border Patrol Agent with the
3 Bureau of Customs and Border Protection (hereinafter "CBP"). Part of my duty
4 entails the location and apprehension of foreign nationals in the United States who
5 are or have been engaged in criminal activity. I have been employed as an Agent
6 of the United States Border Patrol for four (4) years. The following information is
7 based on my investigation, the investigation of other Border Patrol and
8 Immigration officers, official Citizenship and Immigration Service (hereinafter
9 "CIS") files, and records of the United States District Court for the Western
10 District of Texas, Austin Division.
11

12 2. My investigation has revealed that CIS maintains an alien registration
13 administrative file, commonly referred to as an A-file, 078 508 588, on ABUZAR
14 KARIM ALI. A-file 078 508 588 is the official Immigration file maintained by the
15 CIS, and is a consolidated repository of all known Immigration contacts with
16 ABUZAR KARIM ALI hereinafter "defendant." The A-file of the defendant
17 contains documents showing that he is a native and citizen of Pakistan.
18

19 3. The A-file of the defendant contains certified conviction documents
20 from the records of the United States District Court for the Western District of
21 Texas, Austin Division. This record indicates that the defendant was convicted of
22 the following offenses.

23 a. United States District Court Western District of Texas, Austin
24 Division, case number A-01-CR-025(1)-SS, Count 2, Possession and Use of
25 False Immigration Document, in violation of 18 U.S.C. §§ 1546(a) and 2,
26 and Count 3, False Statement, in violation of 18 U.S.C. §§ 1001 and 2,
27 sentenced concurrently on July 9, 2001, to six months.
28

1
2 4. Within the A-file of the defendant, there is one executed I-205,
3 Warrant of Removal/Deportation document. This document documents the
4 defendant was deported to Pakistan on June 26, 2002, at Houston, Texas. The
5 form I-205 bears the fingerprint and photograph of the defendant as physical proof
6 of his deportation from the United States to Pakistan.
7

8 The A-file of the defendant documents the defendant appeared in
9 deportation proceedings before Immigration Judge John Carte at Houston, Texas.
10 As a result of the admissions that the defendant made to the charges set forth in the
11 Notice to Appear concerning his illegal presence in the United States the
12 immigration judge ordered the defendant deported to Pakistan.

13 5. On May 16, 2014, at approximately 11:40 p.m., surveillance cameras
14 monitoring the United States/Canadian border and manned by Border Patrol
15 employees detected three persons who crossed into the United States from Canada
16 near Lynden, Washington. The Border Patrol employees who saw the entries, but
17 lost sight of the three persons on the surveillance cameras after their entry was
18 made, alerted Border Patrol agents in the area. Border Patrol Agents Dennis
19 Syacsure and Kenneth McCarter went to the area where the persons had entered
20 the United States. The agents could not find the three persons. A Customs and
21 Border Patrol helicopter was called for by the Border Patrol agents. The helicopter
22 pilot was able to locate where the three persons were hiding. Agent Syacsure went
23 to the location and identified himself as a United States Border Patrol Agent. The
24 defendant was one of the three persons located. He identified himself as ABUZAR
25 KARIM ALI. He admitted to not having any Immigration documents allowing
26 him to enter the United States. The defendant claimed he was planning to travel to
27

1 Seattle, Washington to stay at a hotel. The defendant and the other two persons
2 with him were placed in administrative detention.

3 6. The defendant was transported to the Sumas Border Patrol Station in
4 Sumas, Washington, for administrative processing. During processing, the
5 defendant admitted his intention was to travel to Seattle, Washington.

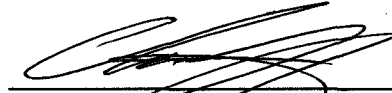
6 On June 2, Detention Officer Michael Fernandez advised the defendant of his
7 *Miranda* rights via a standard I-214 rights form. The defendant indicated that he
8 understood his rights and was willing to waive his rights but declined to make a
9 sworn statement.
10

11 7. On May 16, 2014, the defendant's fingerprints were taken by Agent
12 James Rogers at the Sumas Border Patrol Station and were electronically
13 transmitted to the Federal Bureau of Investigations Criminal Justice Information
14 Center in Clarksville, West Virginia, via the use of an Integrated Automated
15 Fingerprint Identification System (hereinafter IAFIS) terminal located at the
16 United States Border Patrol Office in Sumas, Washington. The defendant was also
17 queried in the CIS Immigration automated database. The IAFIS return on the
18 defendant's prints revealed encounters with law enforcement agencies. Among the
19 IAFIS encounters were the convictions referenced in paragraph three above. The
20 CIS inquiry documented the defendant's deportation in 2002 at Houston, Texas.
21

22 On May 17, 2014, the defendant was transported to the Northwest
23 Immigration Detention Center in Tacoma, Washington, where he remains in
24 administrative custody pending deportation proceedings.

25 10. I have conducted a complete and thorough review of the defendant's
26 Immigration A-File 078 508 588, which contains no evidence that he has ever
27 applied for or received permission to reenter the United States after deportation.
28

1 11. Based on the foregoing, I have probable cause to believe that
2 ABUZAR KARIM ALI has reentered the United States knowingly and voluntarily
3 without the express consent of the Secretary of the Department of Homeland
4 Security, in violation of Title 8, United States Code, Section 1326(a).

5
6 

7 Christopher Loperfido, Complainant
8 U. S. Border Patrol, Border Patrol Agent
9

10 Reviewed by AUSA Don Reno 

11 Based on the Complaint and Affidavit sworn to before me, and subscribed in
12 my presence this June 10, 2014, the Court hereby finds that there is probable cause
13 to believe the defendant committed the offense set forth in the Complaint.
14

15
16 

17 MARY ALICE THEILER
18 Chief United States Magistrate Judge
19
20
21
22
23
24
25
26
27
28